

Frank M. Pacheco, Esq., SBN 163467
LAW OFFICES OF FRANK PACHECO
343 East Main Street, Suite 706
Stockton, CA 95202
Telephone: (209) 937-0644
Email: fpachecolaw@gmail.com

Attorney for Plaintiffs
THOMAS JAMES CORRIGAN, et al.

RIVERA HEWITT PAUL LLP

11341 Gold Express Drive, Suite 160
Gold River, California 95670
Tel: 916-922-1200 | Fax: 916 922-1303

Shanan L. Hewitt, SBN 200168
Email: shewitt@rhplawyers.com

Attorneys for Defendants
COUNTY OF CALAVERAS,
SHERIFF RICK DIBASILIO,
SGT. KEVIN STEVENS,
CPL. JIM MOSER, and
CPL. BRIAN TERRY

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

THOMAS JAMES CORRIGAN,
individually and as co-successor-in-interest
to Decedent JOHN JAMES CORRIGAN;
KATHLEEN ANN WAITE, individually and
as cosuccessor-in-interest to Decedent JOHN
JAMES CORRIGAN; KIRSTIN LYNN
CORRIGAN, individually and as
cosuccessor-in-interest to Decedent JOHN
JAMES CORRIGAN; D.J.C., a minor,
individually and as co-successor-in-interest
to Decedent JOHN JAMES CORRIGAN,
by and through his Guardian ad Litem,
THOMAS JAMES CORRIGAN,

Plaintiffs,

v.

COUNTY OF CALAVERAS, a general
law county public entity; RICK

Case No.: 1:20-cv-00931-DAD-SKO

**STIPULATION AND ORDER FOR AN
EXTENSION OF TIME TO FILE AN
AMENDED COMPLAINT, AN
ENLARGEMENT OF THE DEADLINE TO
FILE A RESPONSIVE PLEADING, AND
CONTINUANCE OF THE MANDATORY
SCHEDULING CONFERENCE**

(Doc. 15)

DiBASILIO, individually, and in this official capacity as the Sheriff of Calaveras County, KEVIN STEVENS, individually and in his official capacity as a sergeant for Calaveras County Sheriff's Department; JIM MOSER, individually and in his official capacity as a deputy for Calaveras County Sheriff's Department; BRIAN TERRY, individually and in his official capacity as a deputy for Calaveras County Sheriff's Department; JOSEPH BOBERG, individually and in his official capacity as an officer for the California Highway Patrol; and DOES 1-50, inclusive, individually, jointly and severally.

Defendants.

Plaintiffs, by and through their counsel Frank M. Pacheco, Esq. of the Law Offices of Frank Pacheco, and Defendants, by and through their counsel Shanan L. Hewitt of Rivera Hewitt Paul LLP, hereby stipulate regarding Plaintiffs' filing of an amended complaint and Defendants' responsive pleading as follows:

- (1) Plaintiffs filed their complaint on July 4, 2020 against Defendants County of Calaveras, Calaveras County Sheriff Rick DiBasilio, Sgt. Kevin Stevens, Cpl. Jim Moser, Cpl. Brian Terry, and CHP Officer Joseph Boberg;
- (2) Plaintiffs' counsel, Frank M. Pacheco, and counsel for the Calaveras County Defendants, Shanan L. Hewitt, stipulated to an extension of time for the Calaveras County Defendants to file a responsive pleading by October 27, 2020 which was granted by the Court on October 7, 2020 (Doc. 14).
- (3) On October 20, 2020, Defense Counsel emailed a meet and confer letter to Plaintiffs' Counsel Frank M. Pacheco in preparation for a motion under FRCP 12 as required by the Court's Standing Order (Doc. 3-1, page 2). On October 22, 2020, Mr. Pacheco contacted Ms. Hewitt by telephone and indicated his intent to file an amended complaint to address issues set forth in Ms. Hewitt's meet and confer letter.

1 (4) Accordingly, the undersigned counsel hereby stipulate and request that the Plaintiffs
2 have until November 25, 2020 to file an amended complaint, and that Defendant
3 Defendants County of Calaveras, Calaveras County Sheriff Rick DiBasilio, Sgt. Kevin
4 Stevens, Cpl. Jim Moser, Cpl. Brian Terry shall file their responsive pleading within
5 twenty-one (21) days after the amended complaint is filed.

6 (5) Further, the undersigned counsel hereby stipulate and request that the Mandatory
7 Scheduling Conference currently set for November 19, 2020 be continued to a later
8 date as the Court deems proper under the circumstances.

9
10 IT IS SO STIPULATED.

11 Dated: October 26, 2020

LAW OFFICES OF FRANK M. PACHECO

12 /s/ Frank Pacheco
13 FRANK PACHECO
14 Attorney for Plaintiffs

15 Dated: October 23, 2020

RIVERA HEWITT PAUL LLP

16 /s/ Shanan L. Hewitt
17 SHANAN L. HEWITT
18 Attorneys for Defendants
19 COUNTY OF CALAVERAS,
20 SHERIFF RICK DIBASILIO,
21 SGT. KEVIN STEVENS,
22 CPL. JIM MOSER, and
23 CPL. BRIAN TERRY
24
25
26
27
28

ORDER

Having reviewed the Parties' stipulation and for good cause shown, the Court hereby **GRANTS** the Parties' request and **ORDERS** as follows:

1. Plaintiffs shall file their amended complaint by November 25, 2020;
2. Defendants County of Calaveras, Rick DiBasilio, Kevin Stevens, Jim Moser and Brian Terry shall file a responsive pleading to Plaintiffs' amended complaint no later than twenty-one (21) days after the amended complaint is filed; and
3. The mandatory scheduling conference currently set for November 19, 2020, is hereby continued to **January 21, 2021**, at 9:45 A.M., before Magistrate Judge Sheila K. Oberto. The parties shall file their joint scheduling report no later than seven (7) days before the conference.

IT IS SO ORDERED.

Dated: **October 27, 2020**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE